



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Notice of Violation  
Complaint # 12-04  
Kuck's Turkey Farm  
Auglaize County

January 26, 2012

Mr. Ted Kuck  
Kuck's Turkey Farm  
12139 State Route 29  
St. Marys, Ohio 45882

Dear Mr. Kuck:

On January 12, 2012, I representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM) completed an inspection of Kuck's Turkey Farm (Facility). The purpose of the inspection was to investigate a complaint received by Ohio EPA's DMWM on January 5, 2012, and to determine compliance in accordance with Chapter 3745-27 of the Ohio Administrative Code (OAC). Ed Pulido also with DMWM and Pat Tebbe with Ohio EPA's Division of Surface Water (DSW), were also present during the inspection. The Facility was represented by Karl Kuck.

The complaint alleged that a significant amount of solid waste was being burnt in the central portion of the property, to the west of the agricultural buildings. The allegation was further supported by an inspection conducted on December 28, 2011, by Tom Cikotte representing Ohio EPA's Division of Air Pollution Control (DAPC) and documented by a January 6, 2012, Notice of Violation from DAPC.

During the January 12, 2012, inspection, an area was observed where it appeared that a significant amount of materials had been burnt. A large pile containing ash, dirt, metals, and other various remnants of waste material were present in this area.

Ohio Revised Code (ORC) Section 3734.03 states, No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.

**You are therefore in violation of ORC Section 3734.03 for open burning and open dumping solid waste.**

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At the time of the inspection Karl Kuck was informed of the regulations and that the manner in which solid waste was being managed at Kuck's Turkey Farm was a violation of Ohio EPA's regulations. Additionally, Mr. Kuck was informed that in order to return to compliance the large pile containing ash, dirt, metals, and other various remnants of waste material would need to be properly disposed. In order to document proper disposal I requested disposal receipts and photographs of the area after the materials have been removed.

Kuck's Turkey Farm needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Kuck's Turkey Farm is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Brent.Goetz@epa.ohio.gov](mailto:Brent.Goetz@epa.ohio.gov).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Kuck's Turkey Farm is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (419) 373-4114 or by e-mail at [Brent.Goetz@epa.ohio.gov](mailto:Brent.Goetz@epa.ohio.gov).

Sincerely



Brent M. Goetz R.S.  
Environmental Specialist  
Division of Materials and Waste Management

/llr

pc: File: Auglaize County, Dump Sites

ec: Mike Reiser, DMWM-NWDO  
Pat Tebbe, DSW-NWDO  
Ed Pulido, DMWM-NWDO  
Tom Cikotte, DAPC-NWDO